

SEP 23 2008

JOHN F. CONCORAN, CLERK  
BY:  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

RAFAEL GARCIA,	)	
Petitioner	)	Civil Action No. 7:08CV00048
	)	
v.	)	<u>FINAL ORDER</u>
	)	
TERRY O'BRIEN, WARDEN,	)	By: Samuel G. Wilson
Respondent	)	United States District Judge
	)	
	)	

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that Respondent's Motion to Dismiss is **GRANTED**; the above referenced motion pursuant to 28 U.S.C. § 2241 is hereby **DISMISSED**; and this action shall be **STRICKEN** from the active docket of this court.

The Clerk is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to the petitioner.

ENTER: This 22 day of September, 2008.



\_\_\_\_\_  
United States District Judge